

TRIPURA



GAZETTE

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**PART--I-- Orders and Notifications by the Government of Tripura,
 The High Court, Government Treasury etc.**

**GOVERNMENT OF TRIPURA
 LAW DEPARTMENT
 SECRETARIAT, AGARTALA**

F.No.5(6)-Law/LR/I/2018/4793-4931

Dated, Agartala, the 20th April, 2023

MEMORENDUM

In pursuance of the directions of Hon'ble Supreme Court of India vide order dated 11.07.2022 passed in **Satender Kumar Antil versus Central Bureau Of Investigation & Anr.**, Miscellaneous Application No.1849 of 2021 in Special Leave Petition (CRL.) No. 5191 of 2021 with Miscellaneous Application Diary No.29164 of 2021 in Special Leave Petition (CRL.) No.5191 of 2021 and the subsequent order dated 21.03.2023 passed in Miscellaneous Application No.2034 of 2022 in MA 1849 of 2021 in Special Leave Petition (CRL.) No.5191 of 2021, all the Public Prosecutors, Additional Public Prosecutors, Special Public Prosecutors and Assistant Public Prosecutors of the State of Tripura shall follow the following guidelines-

a) The Public Prosecutors, Additional Public Prosecutors, Special Public Prosecutors and Assistant Public Prosecutors are duty-bound to make their submissions and pleadings as per the mandate of Section 41 and 41A of the Code of Criminal Procedure, 1973 and the directions issued by the Hon'ble Supreme Court of India in **Arnesh Kumar v. State of Bihar, (2014) 8 SCC 273**.

b) There need not be any submission and pleadings to be made by the prosecution side insisting the Court for a bail application during consideration of the application under Section 88, 170, 204 and 209 of the Code of Criminal Procedure, 1973.

c) No contrary submissions or pleadings shall be made against the guidelines laid down by the Hon'ble Supreme Court of India in **Siddharth v. State of U.P., (2021) 1 SCC 676** whereby a duty is enjoined upon the investigating agency to complete the investigation within the time prescribed and a failure of which would enable the release of the accused on bail.

d) No contrary submissions or pleadings are to be made against the mandate of Section 440 of the Code of Criminal Procedure, 1973.

e) No contrary submissions or pleadings are to be made against the mandate of Section 436A of the Code of Criminal Procedure, 1973.

This shall come into force with immediate effect.

(Signature)
 (R.S. Bhattacharya)
 DLR & Dy. Secretary, Law
 Govt. of Tripura.